

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2011-105656-001 DT

11/19/2014

COMMISSIONER R. JEFFREY WOODBURN

CLERK OF THE COURT

L. Kaeseberg

Deputy

STATE OF ARIZONA

MICHAEL R MORRISON

v.

JAMES E YATES (001)

DOB: 08/30/1973

HILARY G BERKO

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

**SENTENCE OF IMPRISONMENT**

11:28 a.m.

Courtroom SCT 2C

State's Attorney: Michael Morrison

Defendant's Attorney: Hilary Berko

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Based upon the information provided, the Court finds probation is neither mandatory pursuant to A.R.S. § 13-901.01(H)(4) nor appropriate pursuant to the Plea Agreement.

Count 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2: POSSESSION OF DRUG PARAPHERNALIA

Class 6 Felony

A.R.S. § 13-3401, 13-3407, 13-3415, 13-3416, 13-3418, 13-901.01(H)(4), 13-901.01(I),  
13-805, 12-269, 12-116.04, 12-116.08, 13-610, 13-701, 13-702, 13-801

Date of Offense: 12/01/2009

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment  
and is committed to the Arizona Department of Corrections as follows:

Count 2: 9 months from 11/19/2014

Presentence Incarceration Credit: 34 days

Less Than Presumptive

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

FINE: Count 2 - Total amount of \$1,380.00, which includes surcharges of 84%.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENTS:

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Count 2: PROBATION SURCHARGE: \$20.00.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa  
County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The  
Clerk of the Court, upon said notification, shall furnish financial information for a Criminal  
Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 2 - Waived pursuant to A.R.S. § 13-603(K), due to the  
term of probation in CR 2011-119042-001DT.

In the event the Defendant is released by the Department of Corrections on a temporary  
release basis, and a term of Community Supervision has been waived, the length of probation  
shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-  
901(B).

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IT IS ORDERED granting the Motion to Dismiss the following: Count 1 and the allegation of Defendant's prior adult felony convictions.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The EDC Adult Probation Office has prepared a written Presentence Investigation and Recommendation.

The Court recommends the Defendant be placed in the Marana facility of the Department of Corrections to allow the Defendant to receive drug treatment.

11:40 a.m. Matter concludes.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER R. JEFFREY WOODBURN  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)